

REMARKS

Claims 9-16 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection.

Applicants have amended the claims in light of the Examiner's comments. In particular, Applicants have amended Claim 9 by changing the phrase "without the use of a shape retaining auxiliary apparatus is manufacturing steps subsequent to said band making step and said wrapping step" (emphasis added) to the phrase "without the use of a shape retaining auxiliary apparatus in manufacturing steps subsequent to said band making step and said wrapping step" (emphasis added). Additionally, Applicants have amended the last line of Claim 10 to correct the typographical error with regard to the word "said" (by changing the term "sais" to the term "said"). In light of the current claim amendments, Applicants respectfully request the withdrawal of this §112 rejection

Claims 1-16 stand rejected under 35 U.S.C. §103 as being unpatentable over WO 00/01543 to Nguyen et al. in view of the admitted state of the prior art and at least one of United States Patent No. 4,284,117 to Pique et al. and United States Patent No. 5,437,321 to Breny. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest all of the features of the claims. More specifically, the cited references, alone or in combination, fail to disclose or suggest, a method of manufacturing a radial tire for a construction vehicle that includes, *inter alia*, a step of

“wrapping at least one layer of a shape retaining layer directly on an outer peripheral side of the carcass layer . . . such that the entirety of the shape retaining layer is in direct contact with the carcass layer,” as now defined in amended independent Claims 1 and 10.

In contrast, when using a manufacturing method that would result in the product of the Nguyen et al. reference, there is no wrapping step that includes, “wrapping at least one layer of a shape retaining layer directly on an outer peripheral side of the carcass layer . . . such that the entirety of the shape retaining layer is in direct contact with the carcass layer,” because in the resulting product of the Nguyen et al. reference, there is an intermediate layer between the layer that the Examiner has equated with the shape retaining layer and the layer that the Examiner has equated with carcass layer. More specifically, as can be seen in Figure 2 of the Nguyen et al. reference, insert 42 is located between layer 40 (which the Examiner appears to have equated with the claimed shape retaining layer) and layer 38 (which the Examiner appears to have equated with the claimed carcass layer). Accordingly, due to the inclusion of insert 42 in the Nguyen et al. reference, the entirety of layer 40 is not in direct contact with layer 38, and thus independent Claims 1 and 10 are not satisfied.

Applicants respectfully submit that inserts 42 of the Nguyen et al. reference are one of the main components of the tire of this reference, and thus it would not have been obvious to have omitted such inserts. Briefly, from a reading of the Nguyen et al. reference in its entirety, one of ordinary skill in the art would conclude that one of the main objects of this reference appears to be optimizing the configuration of such inserts to have high tensile

strength, low hysteresis and light weight. Applicants respectfully submit that since optimizing the configuration of such inserts is one of the main objectives of the Nguyen et al. reference, one of ordinary skill in the art would not have been motivated to omit the inserts, thereby destroying one of the main objectives of the reference. Thus, even assuming *arguendo* that the Nguyen et al. reference could be combined with the secondary references, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to remove the inserts of Nguyen et al., and thus all features of independent Claims 1 and 10 are not satisfied by the proposed combination of references. Accordingly, for at least this reason, Applicants respectfully request the withdrawal of this §103 rejection of independent Claims 1 and 10 and associated dependent Claims 2-9 and 11-16.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned attorney.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby

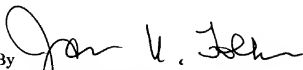
authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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January 13, 2011

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